

REMARKS

Claims 1, 4, 6-11 and 13-29 are pending. Claims 7, 11 and 21 have been amended to overcome formalities with respect to the term "shoe cap"/ "cap shoe". Claim 10 has been amended to be dependent from allowed claim 1. The Abstract of The Disclosure has also been amended. No new matter was added. Accordingly, Applicant respectfully submits that the present application is in condition for allowance.

I. Abstract Objection

In the Office Action, the Examiner objects to the abstract, as filed, "because its brevity does not adequately describe the invention commensurate with the requirement that a patent abstract 'should include that which is new in the art to which the invention pertains'."

The Abstract of the Disclosure has been amended to overcome the Examiner's objection. No new matter was added. For instance, see the subject matter of claim 21 of the present application.

Applicant respectfully requests removal of this objection.

II. Claim Objections

In the Office Action, the Examiner objects to informalities in claim 7 with respect to the term "cap shoe"/ "shoe cap".

Claims 7, 11 and 21 have been amended to consistently recite the term "shoe cap", instead of "cap shoe". Accordingly, Applicant respectfully requests removal of this objection.

III. Claim Rejection - 35 USC §103(a)

In the Office Action, the Examiner rejects claim 10 under 35 USC §103(a) as being obvious over U.S. Patent No. 2,109,797 issued to Lubin in view of U.S. Patent No. 4,599,834 issued to Fujimoto et al.

Claim 10 has been amended to be dependent from independent claim 1. No new matter was added, for instance, see claim 10 as originally filed. The Examiner has stated that claim 1 is allowed. Accordingly, Applicant respectfully submits that claim 10, as amended, is patentable over the cited references for the same reasons its base claim (claim 1) is patentable. Applicant respectfully requests removal of the rejection.

IV. Conclusion

In view of the above amendments and remarks, Applicant respectfully submits that the objections and rejections have been overcome and that the present application is in condition for allowance. Thus, a favorable action on the merits is therefore requested.

Please charge any deficiency or credit any overpayment for entering this Amendment to our deposit account no. 08-3040.

Respectfully submitted,
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